

IN RE: PETITION FOR ZONING VARIANCE  
 E/S Velvet Hills Drive, 514'  
 SW of Bonita Avenue  
 (12111 Velvet Hills Drive)  
 4th Election District  
 3rd Councilmanic District  
 Curtis Turner, et ux  
 Petitioners

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 90-533-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 27 feet in lieu of the required average of 40 feet, and to amend the Fifth Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction outside the building envelope, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Curtis Turner, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 12111 Velvet Hills Drive, consists of .25 acres zoned D.R. 2. and is improved with a single family dwelling, which has been Petitioners' residence for the past 8 years. Petitioners are desirous of constructing a two car garage addition to the existing dwelling as depicted in Petitioner's Exhibit 1. However, due to the location of existing improvements on the lot, and the proposed location for the garage abutting a panhandle drive, the relief requested is necessary. Testimony indicated that the Petitioners have spoken to the adjoining property owners who have no objections to the proposed improvements as evidenced by signed letters of support identified as Petitioner's Exhibits 2 and 3. Mr. Turner noted the proposed addition would be reviewed by an architectural committee as required by the covenants of the development to insure the proposed improvements are com-

patible. In further support of his request, Mr. Turner introduced photographs of the adjoining properties and panhandle drive and another house in the development with a similar addition abutting a panhandle drive. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1990 that the Petition for Zoning Variance to permit a front yard setback of 27 feet in lieu of the required average of 40 feet, and to amend the Fifth Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction outside the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief requested:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

AMN:bjs

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 (301) 887-3333  
 J. Robert Haines  
 Zoning Commissioner

July 27, 1990



Dennis P. Rasmussen  
 County Executive

Mr. & Mrs. Curtis Turner  
 12111 Velvet Hills Drive  
 Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE  
 E/S Velvet Hills Drive, 514' SW of Bonita Avenue  
 (12111 Velvet Hills Drive)  
 4th Election District - 3rd Councilmanic District  
 Curtis Turner, et ux - Petitioners  
 Case No. 90-533-A

Dear Mr. & Mrs. Turner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

AMN:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING  
 Date 7/27/90  
 By J. Robert Haines

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 Date 7/27/90  
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ORDER RECEIVED FOR FILING  
 Date 7/27/90  
 By J. Robert Haines

PETITION FOR ZONING VARIANCE #381  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-533-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1 - To allow a front setback of 27 feet in lieu of the required front average setback of 40 feet, AND To amend the 5th Amended Final Development Plan of Velvet Hill, Lot 45, to allow construction of same outside of the building envelope of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

see attached.

MAP 15 141  
 D-1  
 E.D. 4-11  
 DATE 4-22  
 200 MF  
 1000  
 9-2C

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
 (Type or Print Name)

Signature: \_\_\_\_\_  
 (Type or Print Name)

Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_

Legal Owner(s):  
 1. CURTIS TURNER  
 (Type or Print Name)  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_

1. LOIS TURNER  
 (Type or Print Name)  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_

Attorney for Petitioner:  
 17111 VELVET HILLS DR 33774  
 Address Phone No.  
 1. OWINGS MILLS MD 21117  
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_

Attorney's Telephone No.: \_\_\_\_\_ Phone No. \_\_\_\_\_

ORDERED By the Zoning Commissioner of Baltimore County, this 30th day of July, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of July, 1990, at 11:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
 DATE 5-3 (over)-90  
 J. Robert Haines  
 Zoning Commissioner of Baltimore County

Item #381  
 90-533-A

The garage & room addition must be repositioned because of the pie-shaped lot we have. If we stayed within the building envelope, the garage would measure 19' wide at the front, tapering back to 14' wide at rear, which is inadequate for a two car garage. By bringing the addition forward, toward the street, we can get at least 19' wide, front & back.

The addition is needed, because of family size, and the possibility of my mother moving into our home. Our home does not have a basement which has created the need for the addition to give us extra storage which at this point is critical.

The amendment we seek was granted to our neighbors last summer (1989) six houses down the street at 12127 Velvet Hills Drive, their houses is exactly like ours, with same positioning problem, however, they have a basement and storage was not critical. An amendment was issued to this neighbor and a garage was constructed. An amendment was also issued to Marc Lipnick, at 12204 Velvet Hills Drive, case # 89-397A. We ask for the same consideration.

Zoning Description

Beginning at a point on the North East side of Velvet Hills Drive which is 50' wide at the distance of 514.27' South West of the centerline of the nearest improved intersecting street Bonita Avenue which is 50' wide. \*Being Lot #45, block 15 in the subdivision of Velvet Hills subdivision as recorded in Baltimore County plat book #46, Folio #30, containing 1/4 acre. Also known as 12111 Velvet Hills Drive.

Baltimore County  
 Zoning Commissioner  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

receipt

No 2362

Date	5/03/90	Account: R-001-6150	Number	H9000331
PUBLIC HEARING FEES	QTY	PRICE		
DIS - ZONING VARIANCE (1 PL)	1	\$35.00		
LAST NAME OF OWNER: TURNER		TOTAL: \$35.00		

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 4th Date of Posting: June 27, 1990  
 Posted for: Variance  
 Petitioner: Curtis Turner, et ux  
 Location of property: E/S Velvet Hills Drive, 514' SW of Bonita Avenue  
 Location of Signs: In front of 12111 Velvet Hills Drive  
 Remarks: \_\_\_\_\_  
 Posted by: S.J. Grata Date of return: June 29, 1990  
 Number of Signs: 1

ORDER RECEIVED FOR FILING  
 Date 7/27/90  
 By J. Robert Haines

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 29, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 28, 1990.

OWINGS MILLS TIMES, S. Zake Orlean, Publisher

PO105548

NOTICE OF HEARING: The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations...

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 2, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 28, 1990.

THE JEFFERSONIAN, S. Zake Orlean, Publisher

NOTICE OF HEARING: The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations...

receipt form from Baltimore County Zoning Commissioner, dated 7/24/90, for Public Hearing Fees and Posting Signs/Advertising, total \$109.49.

Baltimore County Zoning Commissioner Office of Planning & Zoning. Mr. & Mrs. Curtis Turner, 12111 Velvet Hills Drive, Owings Mills, Maryland 21117. Petition for Zoning Variance, Case Number: 90-533-A. Date: 7-6-90.

Baltimore County Zoning Commissioner Office of Planning & Zoning. NOTICE OF HEARING. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County...

Baltimore County Zoning Commissioner Office of Planning & Zoning. Mr. & Mrs. Curtis Turner, 12111 Velvet Hills Drive, Owings Mills, MD 21117. July 9, 1990. RE: Item No. 381, Case No. 90-533-A. Petitioner: Curtis Turner, et ux. Petition for Zoning Variance.

Baltimore County Zoning Commissioner Office of Planning & Zoning. Your petition has been received and accepted for filing this 30th day of May, 1990. J. Robert Haines, Zoning Commissioner. Received By: James E. Dyer, Chairman, Zoning Plans Advisory Committee.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE. TO: J. Robert Haines, Zoning Commissioner. FROM: Pat Keller, Deputy Director, Office of Planning and Zoning. SUBJECT: Curtis Turner, et ux, Item No. 381. The Petitioners request a Variance to front yard setback requirements and to amend the Final Development Plan of "Velvet Hills," Lot 45.

Baltimore County Department of Public Works Bureau of Traffic Engineering. June 6, 1990. Mr. J. Robert Haines, Zoning Commissioner. The Bureau of Traffic Engineering has no comments for items number 351, 381, 382, 383, 384, 386, 389, 391, 392 and 393. Very truly yours, Michael S. Flanigan, Traffic Engineer Associate II.

Baltimore County  
Fire Department  
766 East Joppa Road, Suite 901  
Towson, Maryland 21284-5500  
(301) 887-4500

Paul H. Reincke  
Chief

MAY 21, 1990



Dennis P. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CURTIS TURNER  
Location: 12111 VELVET HILLS DRIVE  
Item No.: 381 Zoning Agenda: MAY 29, 1990

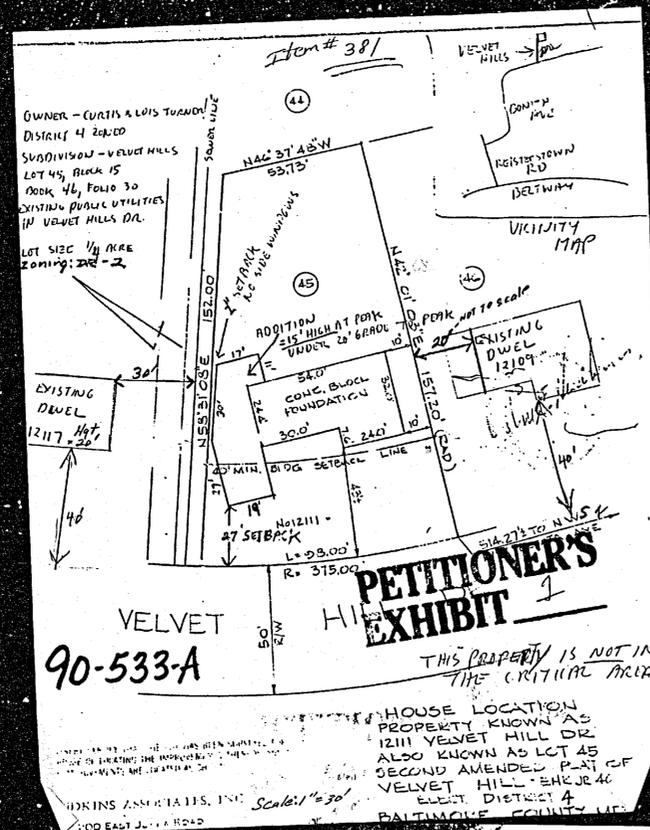
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved *[Signature]*  
Planning Group Fire Prevention Section  
Special Inspection Division

JK/REK



April 4, 1990

We the undersigned, being the most affected, do not object to the construction of a garage and room addition to property known as lot 45, 12111 Velvet Hills Drive, Velvet Hills subdivision.

Name	Address	Date
Elaine Winn	12120 Velvet Hill Dr.	4/18/90
Elaine Winn		
Shirley M. Bagan	12113 Velvet Hills Dr.	5/2/90
Steph M. Hensch	12115 Velvet Hill Dr.	5/4/90

**PETITIONER'S EXHIBIT 2**



**RECEIVED**  
JUL 25 1990  
ZONING OFFICE

WE THE UNDERSIGNED DO NOT OBJECT TO THE CONSTRUCTION OF A GARAGE & ROOM ADDITION ON THE NORTH SIDE OF PROPERTY KNOWN AS 12111 VELVET HILLS DR.

Lois Cohen  
Lois Cohen  
12117 Velvet Hill Drive  
Owings Mills, Md.  
21117

*Petitioner's Exhibit #3*

*Petitioner's Exhibits 3 & 4*

*Photographs 90-533-A*

